

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Natasha Athens, d/b/a
Favorite Things

v.

Case No. 21-cv-748-SM

Bank of America
Megan Scholz

ORDER

Plaintiff Natasha Athens has sued Bank of America ("BOA") and BOA Senior Vice President Megan Scholz, alleging they have committed fraud in their administration of certain COVID-19 pandemic-related loans. Before the court is plaintiff's motion for an injunction to freeze the assets of defendant Scholz. (Doc. No. 4). Neither defendant has been served in this case, as preliminary review has yet to be completed. See 28 U.S.C. 1915(e)(2); LR 4.3(2).

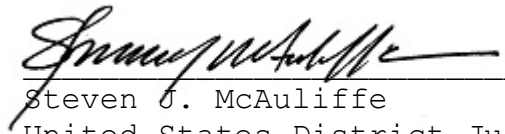
Pursuant to [Fed. R. Civ. P. 65](#), the court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney [or the movant proceeding pro se] certifies in writing any efforts made to give notice and the reasons why it should not be required.

Fed. R. Civ. P. 65(b)(1). “[T]he requirements of Rule 65(b)(1) are not mere technicalities but establish minimum due process. Thus, [t]o obtain ex parte relief, a party must strictly comply with those requirements.” Woodard-CM, LLC v. Sunlord Leisure Prods., Inc., Case No. 20-23104-CIV-WILLIAMS, 2020 U.S. Dist. LEXIS 173105, at *2, 2020 WL 5547917, at *1 (S.D. Fla. July 29, 2020). Ms. Athens has not demonstrated that she has attempted to notify defendant Scholz, nor has she verified by affidavit or otherwise that “immediate and irreparable” harm would accrue to her if she were not heard prior to giving such notice. Accordingly, plaintiff’s motion (Doc. No. 4) is denied.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

September 14, 2021

cc: Natasha Athens, pro se